

the combination of claims to arrive at the claimed invention is improper. As a result, the claims are allowable over these references.

In particular, the Examiner continues to cite Kimura, Kawase, and Morii in each of these rejections (plus additional references in some of the rejections) and merely adopts his prior rejections in the Office Action of 5/16/2007. In that Office Action, the Examiner contended that Kimura teaches a method of making an EL display device, and that an EL solution 114A is ejected towards the pixel electrode. The Examiner admitted that Kimura “does not explicitly teach ejecting under a pressure lower than atmosphere pressure” (emphasis added). The Examiner then cited Kawase and contended that Kawase “teaches that a flow of gas across the substrate and heating of the substrate during deposition can increase the drying speed in order to form a uniform EL layer, but does not explicitly teach the use of a vacuum” (emphasis added). The Examiner further contended that Morii “teaches a method of evaporating a solvent from an EL layer via a vacuum” (emphasis added). The Examiner then concluded that “[b]ecause Kimura teaches the need to form a uniform EL layer [0160], it would be obvious to one of ordinary skill in the art at the time of invention to have provided a vacuum during the ejection of the EL solution of Kimura with a reasonable expectation of success because Kawase teaches the need to increase the drying speed during ejection in order to form a uniform EL layer and Morii teaches that drying of the EL solution can be accomplished via a vacuum atmosphere.”

Applicants respectfully disagreed with the Examiner’s contentions and explained why the Examiner’s contentions were incorrect as follows:

In particular, Morii discloses “...the regurgitation of the ink constituent is carried out to the dot pattern of ITO using an ink jet printer. Subsequently, in the state of a room temperature, EL light emitting device of drawing 1 is put into a decompression device, and is decompressed the following

condition.” Paragraph [0018] in Morii (emphasis added). Further, Morii discloses “In this invention, a rapid reduced pressure condition means the environment where such pressure variation can be realized.” Paragraph [0008] in Morii. Hence, in Morii, an ink constituent is ejected to a substrate *first*, and *then* the substrate is put under reduced pressure (i.e. by putting the substrate into a decompression device).

In contrast, independent Claim 1 of the present application recites “ejecting a solution containing a light-emitting body composition from the below toward an anode or a cathode under a pressure lower than atmosphere pressure” (emphasis added). Independent Claims 2, 3, 6, 7, 10, 11, 16 and 17 include a similar feature. Hence, when the solution is ejected, the pressure is lower than atmosphere pressure. This is consistent with the specification of the present application which discloses “the most characteristic point in the present invention lies in that a space 108 between the head 104 and the anode or the cathode 101 is sustained at a reduced pressure, i.e. at a pressure lower than the atmosphere pressure...” And, the ejected droplet 109 travels while volatilizing the solvent under the reduced pressure so that the remaining luminescent material is deposited on the pixel electrode 101. As a result, the luminescent material is deposited intermittently.” Page 11, lines 2-10 (emphasis added). This feature is not disclosed or suggested in Morii, or the other cited references, and therefore is not disclosed or suggested even if the references are combined.

In response (see Response To Arguments in Final Rejection), the Examiner now argues that “the teachings of Kimura, Kawase and Morii must be considered as a whole. Kawase teaches the advantage of increasing drying speed of the deposited material *during* ink ejection. Morii teaches that it is well known that a reduced pressure atmosphere can increase drying speed. Therefore, the teachings of Kawase and Morii together would suggest to one of ordinary skill in the art to perform ink ejection under a vacuum to achieve the advantages as taught by Kawase.” Applicants

respectfully disagree.

As the Examiner noted, the references must be considered for all they teach, not just bits and parts of these references. The independent claims of the present application recite the feature of ejecting a solution containing a light-emitting body composition from the below toward an anode or a cathode under a pressure lower than atmosphere pressure". As explained in the specification, such a feature allows the ejected solution to travels while volatilizing the solvent under the reduced pressure (see e.g. Embodiment Mode 1). Morii clearly discloses ejecting the ink first, and then putting the substrate into a decompression device to put the deposited substrate under reduced pressure. The disclosure in Kawase cannot change the above steps in Morii. In fact, if the references were combinable, which Applicants do not admit, then the combination would still involve the steps of depositing the solution, then placing the deposited solution in a decomposition device so that the deposited solution is located under the reduced pressure. There is nothing in the references that suggests performing the steps in different order or that ejecting the ink could be done in the decompression chamber.

The only way to reach such a conclusion is by hindsight reconstruction based on the claims. Such a procedure, however, is improper.

Therefore, independent Claims 1, 2, 3, 6, 7, 10, 11, 16 and 17 are not disclosed by Kimura, Kawase, and Morii, and Claims 1, 2, 3, 6, 7, 10, 11, 16 and 17 and those claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that rejections 1, 3, 5, 7 and 9 above be withdrawn

#### Rejections 2, 4, 6, 8 and 10

With regard to rejections 2, 4, 6, 8 and 10 listed above, each of these rejections is based in

part on Seikya and one or more other references. It is respectfully submitted that Seikya is not prior art to the present application.

More specifically, Seikya was published on September 19, 2003.

The present application was filed on November 10, 2003 and claims priority under 35 USC §119 of Japanese patent application serial number 2002-327373 filed November 11, 2002 in Japan. A certified copy of this priority Japanese application was filed November 10, 2003 in this U.S. application.

In the Final Rejection, the Examiner states that Applicant has not provided a certified translation of the foreign priority document as evidence that the claims are commensurate in scope with the priority document.

Accordingly, Applicants are submitting herewith a verified English translation of Japanese patent application serial number 2002-327373. Applicants believe that the priority document (as shown in the translation) supports the pending claims in the present application.

Hence, as the §119 priority filing date of the present application is prior to the publication date of Seikya, Seikya is not prior art to the present application.

Accordingly, it is respectfully requested that rejections 2, 4, 6, 8 and 10 above be withdrawn.

#### Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

In addition, with the Office Action of May 16, 2007, on the attached 1449 forms, the Examiner crossed out the references for the (1) International Search Report for Application PCT/JP03/14085,

mailed December 24, 2003 and (2) International Search Report for Application PCT/JP03/14085, mailed March 23, 2004 (with partial English translation). It is respectfully requested that the Examiner now initial these references to show that he has considered them. December 24, 2003

### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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